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12 UNITED STATES DISTRICT COURT
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14 NORTHERN DISTRICT OF CALIFORNIA
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17 CINDY RAY,

18 Plaintiff,

19 vs.

20 INNOVATIVE SURGERIES
21 INVESTIGATIVE SOLUTIONS
22 HOLDINGS, LLC.,

23 Defendant.

Case No.: 3:11-cv-06603 RS

**MOTION AND ~~PROPOSED~~ ORDER TO
EXTEND THE MEDIATION DEADLINE**

Richard Seeborg
U.S. District Judge

24 **MOTION**

25 Plaintiff Cindy Ray, by and through her counsel, and subject to Court approval, respectfully
26 requests the following:

27 1. Pursuant to the Case Management Scheduling Order of April 6, 2012, mediation
28 was to have been completed within 90 days of the issuance of the order. Mediation is currently
scheduled for July 13, 2012, with written mediation statements due July 6, 2012.

2. During a meet and confer session on March 20, 2012, both parties agreed to
mediation, and to engage in limited discovery prior to the mediation. This included the
production of documents and depositions of key witnesses.

1 3. Pursuant to this agreement, Plaintiff has produced batches of documents
2 responsive to Defendant's requests as they have become available. As of June 27, 2012,
3 Defendant has produced no documents in response to Plaintiff's Request for Production. These
4 documents were to have been produced by June 25, 2012. Plaintiff has had no opportunity to
5 review any defense documents thus far, and cannot effectively depose defense witnesses without
6 first having reviewed these documents.

7 4. Also in accordance with the agreement, Defendant was able to depose Plaintiff
8 Cindy Ray for a full day on June 20, 2012. Declaration of Erika Boyd ("Boyd Decl."), ¶ 2.
9 However, no such depositions of defense individuals have taken place.

10 5. Plaintiff's initial attempt to schedule defense witness depositions met with delay
11 because one of the defense counsels, Marytza Reyes, is now out on maternity leave. Boyd Decl.,
12 ¶ 3, Exh. A. In further attempting to schedule depositions prior to the mediation, yet after the
13 delivery of Defendant's production, Plaintiff has repeatedly offered dates for deposition of
14 defense witnesses, which defense counsel Michele Beilke has rejected. *Id.* Ostensibly due to the
15 July 4th holiday, defense counsel is unavailable July 2 - July 6, and then will be out of the
16 country from July 17 - August 1. Additionally, one of Plaintiff's counsel, Richard Hoyer, will be
17 unavailable from July 30 - August 15.

18 7. In accordance with ADR L.R. 6-5(b)(2) Plaintiff has made an effort to reach an
19 agreement with defense counsel on the issue of extending the mediation deadline, but these
20 efforts have proven unsuccessful. Boyd Decl., ¶ 3, Exh. A.

21 8. For the reasons stated above, Plaintiff respectfully requests the mediation deadline
22 be extended to August 24, 2012 or thereafter. This will allow for limited depositions the week of
23 July 9 - July 13, as well as the duration of August to prepare mediation statements and conduct
24 the mediation. This extension will not inconvenience either side, will not create an undue
25 financial burden, and will allow both parties to be fully prepared to reach the best possible
26 outcome in mediation.
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1 Dated: June 28, 2012

LAW OFFICES OF MICHAEL S. SORGEN

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3 By: /s/ Michael S. Sorgen

4 Michael S. Sorgen

5 Attorneys for Plaintiff

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9 **ORDER**

10 IT IS SO ORDERED.

11 The deadline to conduct mediation is extended to August 31, 2012.

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13 Dated: 6/29/12

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Hon. Richard Seeborg

United States District Judge